

HOUSE BILL 1188

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 11, relative to conditions of bond.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-118(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1)

(A) Unless the court determines that the requirement would not be in the best interest of justice and public safety, when the court is determining the amount and conditions of bail to be imposed upon a defendant who has been charged with driving under the influence of an intoxicant, under § 55-10-401, vehicular assault, under § 39-13-106, aggravated vehicular assault, under § 39-13-115, vehicular homicide, under § 39-13-213(a)(2), or aggravated vehicular homicide, under § 39-13-218, and the alleged offense involved the use of alcohol, the court shall require the defendant to operate only a motor vehicle equipped with a functioning ignition interlock device if:

(i) The offense resulted in a collision involving property damage;

(ii) A minor was present in the vehicle at the time of the alleged offense;

(iii) The defendant's driver license has previously been suspended for a violation of § 55-10-406; or

(iv) The defendant has a prior conviction for:

- (a) Reckless driving, under § 55-10-205;
- (b) Reckless endangerment under § 39-13-103;
- (c) Driving under the influence of an intoxicant, under § 55-10-401;
- (d) Vehicular assault, under § 39-13-106;
- (e) Aggravated vehicular assault, under § 39-13-115;
- (f) Vehicular homicide, under § 39-13-213(a)(2); or
- (g) Aggravated vehicular homicide, under § 39-13-218.

(B) If the court imposes a condition under subdivision (d)(1)(A), then the defendant must demonstrate compliance with the condition by submitting proof of ignition interlock installation to the district attorney general's office within ten (10) days of being released on bail. Proof of compliance may be submitted electronically. If the court determines the defendant is indigent, the court shall order the portion of the costs of the device that the defendant is unable to pay be paid by the electronic monitoring indigency fund, established in § 55-10-419.

(C) If the court does not require the defendant to operate only a motor vehicle equipped with a functioning ignition interlock device, then the court shall include in its order written findings on why the requirement would not be in the best interest of justice and public safety.

(2) If the defendant is charged with an offense listed in subdivision (d)(1) and has one (1) or more prior convictions for any of the listed offenses and is not subject to the requirements of subsection (f), then the court shall also consider the use of special conditions for the defendant, including the following:

(A) The use of transdermal monitoring devices or other alternative alcohol monitoring devices. If the court orders the use of a monitoring device on

or after July 1, 2016, and determines the defendant is indigent, then the court shall order the portion of the costs of the device that the defendant is unable to pay be paid by the electronic monitoring indigency fund, established in § 55-10-419;

(B) The use of electronic monitoring with random alcohol or drug testing;

or

(C) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection (d), "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 2. Tennessee Code Annotated, Section 40-11-118(g)(1), is amended by deleting the language "subdivisions (d)(2)(A) – (C)" and substituting instead the language "subdivision (d)(1), subdivisions (d)(2)(A) – (B)".

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subdivision (b)(2)(A).

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.